

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

3. I declare under penalty of perjury the foregoing is true.

Dated: November 3, 2009
Philadelphia, PA

Respectfully submitted,

/s/ Susan Schneider Thomas
Susan Schneider Thomas
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
Tel: 215-875-3000

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2009, I caused a true and correct copy of the Declaration of Susan Schneider Thomas Submitting Exhibits Relied Upon in Ven-A-Care of the Florida Keys, Inc.'s Combined Opposition to Motions to Dismiss Filed by Abbott, Dey and Roxane to be served via LEXIS File & Serve electronic filing service pursuant to CMO #2 in this case.

/s/ Susan Schneider Thomas
Susan Schneider Thomas
Berger & Montague, P.C.